

ASSEMBLY BILL

No. 2072

Introduced by Assembly Member Wyland

February 17, 2004

An act to amend Section 660 of, and to add and repeal Section 660.2 of, the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 2072, as introduced, Wyland. Vessels: prohibited activities.

Existing law requires the Department of Boating and Waterways, upon request of the Director of Fish and Game, or his or her designee, to restrict or prohibit, based on the request, recreational vessel activity in Agua Hedionda Lagoon in San Diego County if that vessel activity would hinder or jeopardize the efforts of the Department of Fish and Game to control or eradicate *Caulerpa taxifolia*. Notice of the restriction or prohibition is required to be posted conspicuously, and, at a minimum, in areas where boats are launched into the waterway where the restriction or prohibition is in effect. The operator of a vessel who violates any restrictions or prohibition pursuant to this prohibition is subject to a fine of not more than \$250.

This bill would require the director, or his or her designee, to determine the date on which *Caulerpa taxifolia* has been eradicated from Agua Hedionda Lagoon. The bill would require the director, or his or her designee, to calculate the repeal date of the provision in existing law described above by adding one year to the date determined as specified and to notify the Secretary of State in writing of that repeal date, stating that the notification is being provided pursuant to this requirement. The prohibition in existing law would remain in effect

only until the specified repeal date, and as of that date would be repealed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 660 of the Harbors and Navigation
2 Code is amended to read:

3 660. (a) Any ordinance, law, regulation, or rule relating to
4 vessels, which is adopted pursuant to provisions of law other than
5 this chapter by any entity other than the department, including but
6 not limited to any county, city, port authority, district, or any state
7 agency other than the department, shall, notwithstanding any other
8 provision of law, pertain only to time-of-day restrictions, speed
9 zones, special-use areas, and sanitation and pollution control, and
10 the measure shall not conflict with this chapter or the regulations
11 adopted by the department. Except as provided in subdivision ~~(d)~~
12 (c), any measure relating to boats or vessels adopted by any
13 governmental entity other than the department shall be submitted
14 to the department prior to adoption and at least 30 days prior to the
15 effective date thereof.

16 ~~(b) Upon request of the Director of Fish and Game, or his or her~~
17 ~~designee, the department shall restrict or prohibit, based on the~~
18 ~~request, recreational vessel activity in Agua Hedionda Lagoon in~~
19 ~~San Diego County if that vessel activity would hinder or~~
20 ~~jeopardize the efforts of the Department of Fish and Game to~~
21 ~~control or eradicate Caulerpa taxifolia. Notice of the restriction or~~
22 ~~prohibition shall be posted conspicuously, and, at a minimum, in~~
23 ~~areas where boats are launched into the waterway where the~~
24 ~~restriction or prohibition is in effect. The operator of a vessel who~~
25 ~~violates any restrictions or prohibition pursuant to this subdivision~~
26 ~~is subject to a fine of not more than two hundred fifty dollars~~
27 ~~(\$250).~~

28 ~~(c)~~ The department may make special rules and regulations
29 governing the use of boats or vessels on any body of water within
30 the territorial limits of two or more counties, cities, or other
31 political subdivisions if no special rules or regulations exist or if
32 the department determines that the local laws regulating the use of

boats or vessels on that body of water is not uniform and that uniformity is practicable and necessary.

~~(d)~~

(c) (1) Any entity, including but not limited to any county, city, port authority, district, or state agency, otherwise authorized by law to adopt measures governing the use and equipment, and matters relating thereto, of boats or vessels, may adopt emergency rules and regulations that are not in conflict with the general laws of the state relating to boats and vessels using any waters within the jurisdiction of the entity if those emergency rules and regulations are required to insure the safety of persons and property because of disaster or other public calamity.

(2) The emergency rules and regulations adopted under paragraph (1) shall become effective immediately upon adoption and may remain in effect for not to exceed 60 days thereafter. The emergency rules and regulations shall be submitted to the department on or before their adoption.

(3) After submission of emergency rules and regulations adopted pursuant to paragraph (1) to the department, the department may authorize the adopting entity to make the emergency rules and regulations effective for the period of time greater than 60 days that is necessary in view of the disaster or circumstances.

SEC. 2. Section 660.2 is added to the Harbors and Navigation Code, to read:

660.2. (a) Upon request of the Director of Fish and Game, or his or her designee, the department shall restrict or prohibit, based on the request, recreational vessel activity in Agua Hedionda Lagoon in San Diego County if that vessel activity would hinder or jeopardize the efforts of the Department of Fish and Game to control or eradicate *Caulerpa taxifolia*. Notice of the restriction or prohibition shall be posted conspicuously, and, at a minimum, in areas where boats are launched into the waterway where the restriction or prohibition is in effect. The operator of a vessel who violates any restrictions or prohibition pursuant to this subdivision is subject to a fine of not more than two hundred fifty dollars (\$250).

(b) (1) The Director of Fish and Game, or his or her designee, shall determine the date on which *Caulerpa taxifolia* has been eradicated from Agua Hedionda Lagoon.

1 (2) The Director of Fish and Game, or his or her designee, shall
2 calculate the repeal date of this section by adding one year to the
3 date determined under paragraph (1) and shall notify the Secretary
4 of State in writing of that repeal date, stating that the notification
5 is being provided under this paragraph.

6 (c) This section shall remain in effect only until the repeal date
7 calculated under paragraph (2) of subdivision (b), and as of that
8 date is repealed, unless a later enacted statute that is enacted before
9 that date deletes or extends that date.

